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UNITED STATES OF AMERICA, DEPARTMENT  
OF JUSTICE and NATIONAL PARK SERVICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

ROGER MANN, an individual;  
SHERRIE MANN, an individual,  
  
Plaintiffs,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Defendant.

Case No. **1:13-cv-01827-AWI-SAB**  
  
**AMENDED STIPULATION TO  
CONTINUE SCHEDULING  
CONFERENCE**

Defendant UNITED STATES OF AMERICA and Plaintiffs ROGER MANN and  
SHERRIE MANN (collectively, the “Parties”) by and through their counsel of record in this  
action, hereby agree and stipulate as follows:

To continue the February 18, 2014 deadline to file a Joint Scheduling Report until April  
29, 2014 and to continue the Scheduling Conference currently set for February 25, 2014 until  
May 6, 2014.

**I.**  
**RELEVANT PROCEDURAL BACKGROUND**

Plaintiffs Roger Mann and Sherrie Mann filed their complaint within the United States District Court Eastern District of California on November 12, 2013. As detailed within the complaint, this case involves damages arising from the contraction of the Hantavirus. (Complaint, ¶10). On November 13, 2013, this Court issued an Order Setting a Mandatory Scheduling Conference for February 25, 2014. Defendant United States of America filed its answer to Plaintiffs' complaint on January 27, 2014.

Since filing this answer, Defendant United States of American has received an amended pleading alleging similar factual information in a hantavirus case filed in Middle District of Pennsylvania (case NO: 4:13-CV-2611), notice of a future hantavirus complaint against Defendant USA in the Eastern District of California (related to case NO: 1:13-cv-00298-AWI-SKO), and indication of a similar case in the Northern District of California.

Based on these known cases, along with future anticipated related actions pending in different districts covering one or more common questions of fact, Defendant United States of America is in the process of seeking the transfer of all actions to the Eastern District of California for Multidistrict Litigation pursuant to 28 U.S.C. § 1407.

If the transfer request is approved, a Multidistrict Litigation panel will assist the parties in resolving disputed facts, ruling on defenses, coordinating discovery deadlines, and setting pre-trial matters. As noted within the 28 U.S.C. § 1407, the transfers for such proceedings is intended for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions. As a result, the parties stipulate that it may be premature to agree upon items #1-13 as requested within this court's November 13, 2013 scheduling order.

**II.**  
**AUTHORITY FOR STIPULATION**

Based on this procedural history and anticipated future handling, pursuant to Federal Rules of Civil Procedure Rule 16(b), good cause exists to extend the deadline to file a Joint Scheduling Report and good cause exists to continue the Scheduling Conference until the dates requested by the parties or until dates convenient within this Court's calendar.

Pursuant to Local Rule 144(d), the parties sought to obtain a necessary extension from the Court as soon as the need for an extension became apparent. Pursuant to Local Rule 144(b), no prior stipulations regarding the Scheduling Conference has been executed by the parties.

IT IS SO STIPULATED.

Dated: February 10, 2014

ARCHER NORRIS APLC

/s/ K.C. Ward

Kenneth C. Ward  
John L. Kortum  
Matthew D. Barnette  
**Attorneys for Defendants**  
UNITED STATES OF AMERICA,  
DEPARTMENT OF JUSTICE and  
NATIONAL PARK SERVICE

Dated: February 10, 2014

CALLAHAN, THOMPSON, SHERMAN &  
CAUDILL, LLP

/s/ Robert W. Thompson

ROBERT W. THOMPSON,  
CHARLES S. RUSSELL  
BRYAN S. OWENS  
Attorneys for Plaintiffs  
ROGER MANN and SHERRIE MANN

**IT IS ORDERED** that the forgoing Agreement is approved.

The Joint Scheduling Report shall be filed by April 29, 2014

The Scheduling Conference is now set for May 6, 2014 at 3:30 p.m.

IT IS SO ORDERED.

Dated: **February 12, 2014**

  
UNITED STATES MAGISTRATE JUDGE